



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3012817
Application Name: Christopher Potter
Address of Proposal: 12707 - 30th Ave NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a winter shelter to house 100 people at night with services during the day for up to six months in an existing city facility (former Fire Station #39).

A **Temporary Use Permit** for up to six months is required for uses not otherwise permitted or not meeting the development standards of the zone, as provided for in Seattle Municipal Code (SMC) 23.42.040.C.

BACKGROUND

Site and Vicinity Description:

The site is located in a former fire station (Fire Station No. 39) at the northwest corner of Northeast 127th Street and 30th Avenue Northeast in the Lake City neighborhood. The site is zoned Commercial 1 with a 65-foot height limit (C1-65'). The surrounding properties are also zoned commercial (C1-40', C1-65', NC3-85').

Nearby uses include the new Fire Station 39, multifamily residential, offices, and retail.

The proposal is a temporary winter shelter for up to 100 people in former Fire Station 39 and the adjacent parking lot, owned by the City of Seattle. The shelter encompasses approximately 11,000 sq. ft. of the site, including about 6,600



square feet of interior space. The interior space includes kitchen, toilet and shower facilities. Shelter residents will sleep inside the building. Covered picnic tables will be located outdoors on the west side of the building. Services to be provided during the day include meals (prepared off-site), showers, laundry, day programming and counseling.

The facility has a secured entrance along 30th Ave. NE. Screening affixed to fencing provides a visual buffer to the west and north.

Public Comment:

Public notice of application was provided on November 10, 2011 and was extend to December 7, 2011 by public request. Five written comments were received.

ANALYSIS

SMC 23.42.040 provides that the Director may grant, deny, or condition a temporary use application for uses not permitted or not meeting development standards in the zone where the use is proposed.

The following development standards will not be met for the proposed temporary change of use:

1. A No-protest Agreement will not be provided for both NE 127th St. and 30th Ave. NE (SMC 23.53.015.D.1b3).
2. Required parking will be temporarily removed to provide for the winter shelter (SMC 23.54.015).

SMC 23.42.040 Subsection C provides that a Master Use Permit for a period of up to six months may be authorized for any use that does not involve the erection of a permanent structure and that meets the requirements of SMC 23.42.040 A.1.a-c:

- a. The use shall not be materially detrimental to the public welfare; and
- b. The use shall not result in substantial injury to property in the vicinity; and
- c. The use shall be consistent with the spirit and purpose of the Land Use Code.

A. The use shall not be materially detrimental to the public welfare.

The City's Land Use, Housing & Building Maintenance, and Building Code are intended to protect the public welfare, including matters of health, safety, and order. The winter shelter benefits the welfare of the individuals it serves; however, it is unlikely to benefit the welfare of neighboring property owners.

The use is not, however, likely to be materially detrimental to the neighboring property owners or the general public if necessary security and health services are provided and the shelter regulates illegal conduct and other activities that give rise to public health and safety impacts. The application will be conditioned to address public health and safety impacts that, if not conditioned, would be materially detrimental to the public welfare.

B. The use shall not result in substantial injury to the property in the vicinity.

Three factors ensure the shelter will not result in substantial injury to property in the vicinity: First, the site is surrounded on two sides by streets, buffering physically and visually many of the neighboring properties from the proposed use. Second, the camp will maintain rules of conduct that are designed to protect neighboring properties from adverse impacts during the proposed six month stay. These rules address health and safety concerns for individuals in the shelter and the general public. And third, the temporary nature of the use limits injury to the property in the vicinity, particularly potential injury to property values. As conditioned, the proposed use will not result in substantial injury to the property in the vicinity.

C. The use shall be consistent with the spirit and purpose of the Land Use Code.

SMC 23.02.020 provides that the purpose of the Land Use Code is to: “protect and promote public health, safety and general welfare through a set of regulations and procedures for the use of land...” Recognizing that the Land Use Code does not authorize the use of property for a winter shelter, the temporary use, as conditioned, is not entirely inconsistent with the spirit and purpose of the Land Use Code.

DECISION AND CONDITIONS OF APPROVAL

The temporary use application is **granted** subject to the following conditions:

For the Life of the Project

Lake City Temporary Winter Shelter:

1. Seattle’s Union Gospel Mission (SUGM) proposes to operate a service-rich, temporary winter shelter and day services program serving a maximum of 100 homeless individuals at the old Fire Station 39 (FS 39) in Lake City. Dates of operation will be mid-November 2011 through mid-April 2012.
2. The shelter would serve men and women only and provide separate shelter settings for each.
3. Registered Sex Offenders will not be sheltered at FS 39, but will be offered transportation to SUGM’s Men’s Shelter in Pioneer Square.
4. SUGM will provide 24/7 staffing in order to run the facility to maximize service to residents and minimize impact to the larger community.
5. SUGM will provide regular security and clean up patrols of the area surrounding the facility, in the morning, afternoon, evening and night.
6. No loitering will be allowed in front of the FS 39 facility. A smoking area will be at the rear (west) of the building, where SUGM will place covered picnic tables. There will be no smoking will be allowed in the building.

7. SUGM will establish a Community Advisory Committee (CAC) to provide input on the shelter and day services program and methods for handling community complaints or concerns regarding the facility and its clients. SUGM staff will attend CAC meetings to answer questions and will provide regular reports to the CAC concerning the operation of the facility. These meetings are expected to operate at least biweekly. An informational meeting was held on Tuesday, November 22nd, 2011, at the Lake City Library with representatives from the Mayor's Office and City Council. The first official CAC meeting with the new members is expected to happen in early December, 2011.
8. SUGM will provide a privacy fence on the NE corner of the FS 39 property to divert pedestrian traffic from loitering in front of the property.
9. SUGM will install security cameras to monitor the activity of guests.
10. SUGM staff will conduct a patrol of the FS 39 exterior on the hour throughout the day and through the evening to identify any potential loitering to surrounding businesses and residential buildings adjacent to FS 39. Staff will follow SUGM protocol to invite homeless individuals to engage services within the facility or will call police, when appropriate, to deescalate any unsafe circumstances.
11. Seattle's Union Gospel Mission designates the following on-site staff person as a public contact for information regarding the ongoing operation of the winter shelter:

Paul LaRose
206-388-7343

Signature: (signature on file)
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

Date: December 8, 2011